

Appln No. 10/079,293

Amdt dat February 2, 2004

Reply to Office action of November 3, 2003

REMARKS/ARGUMENTS

The above amendment and these remarks are responsive to the Office Action mailed on November 3, 2003. Claims 9, 16, 21, 22 and 26-28 have been amended. Specifically, claims 21 and 22 have been amended for clarity. Claim 19 has been canceled. Claims 34-41 have been added and are directed to subject matter disclosed in the application as originally filed. No new matter has been added. Claims 9-17 and 20-41 are now pending in this application. Reconsideration on the basis of the above amendments and remarks below is kindly requested.

The Examiner rejected claims 21 and 22 under 35 USC §112, second paragraph as being indefinite. Claims 21 and 22 have been amended to overcome this rejection.

The Examiner rejected claims 16, 19, 20, 21, 22 and 24 under 35 USC §102(b) as being clearly anticipated by Jurewicz (U.S. Patent No. 6,068,071). Claim 16 as now amended is directed to a cutting element comprising a body having an end surface comprising a canted portion and an uncanted portion. The claim further requires an ultra hard material layer extending over both the canted and uncanted portions. Figure 2 of Jurewicz, upon which the examiner relied in rejecting claim 16, discloses a cutting element where the ultra hard material layer extends over only the alleged uncanted portion and not over the alleged canted portion. As such, applicant submits that claim 16 as now amended is not anticipated by Jurewicz.

Claims 20, 21, 22 and 24 are dependent from claim 16. Claim 16 is now believed to be in condition for allowance over Jurewicz. As such, applicant submits that claims 20, 21, 22 and 24 are also in condition for allowance over Jurewicz as being dependent from an allowable base claim and for the additional limitations they contain therein. Claim 19 has been cancelled.

The Examiner rejected claims 9, 11, 12, 13, 14, 15, 23, 25, 26, 27 and 28 under 35 USC §102(b) as being anticipated by Tank et al. (U.S. Patent No. 5,590,727). Specifically, the Examiner relied on Figure 4 of Tank in rejecting these claims.

Claims 9, 26, 27 and 28 are directed to a cutting element comprising a body having an end surface comprising a canted portion and an uncanted portion and an ultra hard material layer extending over both the canted and uncanted portions. The ultra hard material layer disclosed in

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Figure 4 of Tank extends over the alleged canted portion and not over the alleged uncanted portion. As such, applicant submits that claims 9, 26, 27 and 28 as now amended are not anticipated by Tank. Claims 11, 12, 13, 14, 15, 23 and 25 are directly or indirectly dependent from claim 9. Claim 9 is now believed to be in condition for allowance over Tank. As such, applicant submits that claims 11-15 and 23 are also in condition for allowance over Tank as being dependent from an allowable base claim and for the additional limitations they contain therein.

The Examiner rejected claims 9, 11, 12, 13, 14, 15, 23, 25, 26, 27 and 28 under 35 USC §102(b) as being anticipated by Cooley (U.S. Patent No. 5,881,830). Claims 9, 26, 27 and 28 are directed to a cutting element having an end surface symmetrical about a plane. The claims further require that the end surface comprises a canted portion and an uncanted portion and an ultra hard material layer extending over both the canted and uncanted portions. The claims further require that the thickness of the ultra hard material layer is maximum at a first location at the periphery of the ultra hard material layer at the intersection with the plane and that the thickness of the ultra hard material layer is minimum at a second location at the periphery of the ultra hard material layer at an intersection with the plane. The claims also require that the second location is opposite the first location. In Figure 3 of Cooley which was relied upon by the Examiner in rejecting these claims, the maximum thickness of the ultra hard material layer does not occur at the periphery of the ultra hard material layer but occurs at some point radially inward as can be seen by looking at the dashed line 116 of Figure 3. As such, applicant submits that claims 9 and 26-28 as now amended are not anticipated by Cooley. Claims 11-15 and 23 and 25 are directly or indirectly dependent from claim 9. Claim 9 is now believed to be in condition for allowance over Cooley. As such, applicant submits that claims 11-15, 23 and 25 are also in condition for allowance over Cooley as being dependent for an allowable base claim and for the additional limitations they contain therein.

Claims 34-39 have been added and are dependent from claims which are allowable over the cited references. As such, applicant submits that claims 34-39 should also be in condition for

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allowance as being dependent from an allowable base claims and for the additional limitations they contain therein.

The Examiner objected to claims 10 and 17 but stated that these claims would be allowable if rewritten in independent form including all the limitations of their base claim and any intervening claims. Claims 10 and 17 have been rewritten, respectively, in independent form including all the limitations of their base claim and any intervening claims, as claims 40 and 41, respectively. As such, applicant submits that claims 40 and 41 are now also in condition for allowance.

The rejections and objections to all claims pending in this application are believed to have been overcome and this application is now believed to be in condition for allowance. Should the Examiner have any remaining questions or concerns about the allowability of this application, the Examiner is kindly requested to call the undersigned attorney to discuss them.

Respectfully submitted,

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